

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION**

2019 APR -8 A 11: 57

**CHARELL TAYLOR,**

**Plaintiff,**

**v.**

**THE CHILDREN'S PLACE  
RETAIL STORES, INC.,**

**Defendant.**

) DEBRA P. HACKETT, CLK  
) U.S. DISTRICT COURT  
) MIDDLE DISTRICT ALA

**CIVIL ACTION NO.:** 3:19-CV-00253

**JURY DEMAND**

**COMPLAINT**

1. This is a complaint for legal and equitable relief to redress violations by the defendant of the plaintiff's rights secured by the Constitution of the United States and by the Americans with Disabilities Act ("ADA"); 42 U.S.C. 12101, et. seq., and the Civil Rights Act of 1991, 42 U.S.C. § 1991, 42 U.S.C. § 1981a.

2. Federal subject matter jurisdiction exists pursuant to 28 U.S.C. § 1331, 1332, and § 1343.

**PARTIES**

3. Plaintiff, Charell J. Taylor, (hereinafter referred to as "Plaintiff"), is a citizen of the United States of America and of the State of Alabama and resides in the Eastern Division of the Middle District of Alabama.

4. Defendant, The Children's Place, Inc. (hereinafter referred to as "Defendant"), is a New Jersey corporation, which does business in the state of Alabama.

5. Defendant is an employer within the meaning of the Americans with Disabilities Act, who regularly employs over 50 employees.

### **NATURE OF ACTION**

6. This is an action to redress grievances resulting from the acts committed by Defendant, its agents, servants, and employees with respect to Plaintiff's employment; and for a permanent injunction restraining Defendant from maintaining a policy and practice of discriminating against the Plaintiff on account of disability.

7. Plaintiff seeks to be instated into a person with Defendant that is suitable for her to perform with the limitations she has from her disability.

8. Plaintiff seeks compensatory and punitive damages for which she is entitled and attorney's fees and costs.

### **ADMINISTRATIVE PROCEDURES**

9. Within 180 days of learning of the acts of discrimination of which she complains, Plaintiff filed a charge of discrimination with the Equal Employment Opportunity Commission (hereinafter "EEOC"), filed on September 17, 2018, which is attached herein as **Exhibit A**.

10. Plaintiff received an EEOC Dismissal and Notice of Rights on February 8, 2019, entitling her to institute a civil action in federal district court, herein attached as **Exhibit B**.

11. This lawsuit has been commenced within 90 days of Plaintiff's receipt of her EEOC Dismissal and Notice of Rights.

### **STATEMENT OF FACTS**

12. Defendant was in the business of selling children's clothing throughout the state of Alabama.

13. Plaintiff was employed with the Defendant as a part-time Sales Lead at store number 4289 in Opelika, Alabama.

14. Plaintiff has a history of low back pain, which causes pain, stiffness, muscle spasms, and loss of motion. Plaintiff's low back pain affects her major life activities, such as working, standing, walking, and lifting.

15. On June 11, 2018, Plaintiff's physician placed her on a consistent, reduced work schedule.

16. On June 22, 2018, Plaintiff submitted a formal accommodations request to the Defendant asking for a reduced work schedule per the physician's note.

17. On June 26, 2018, Plaintiff emailed the Defendant regarding her formal request for accommodations.

18. Plaintiff made several follow-up calls and emails to the Defendant's Human Resources Department from July 16, 2018 through September 13, 2018. During this time, Plaintiff was still working her regular schedule without accommodations.

19. On September 11, 2018, Defendant denied Plaintiff's accommodations request.

20. On September 15, 2018, after almost four months of trying to get Defendant to accommodate her disability or engage in meaningful interaction, Plaintiff was forced to submit her resignation.

**COUNT ONE**  
**DISABILITY DISCRIMINATION CLAIM**

21. Plaintiff hereby incorporates by reference the allegations contained in paragraphs as if set forth herein.

22. Plaintiff avers Defendant discriminated against Plaintiff by terminating her employment because she has a record of having a physical or mental impairment that substantially limited one or more major life activities or because Plaintiff was regarded by Defendant as having a mental or physical impairment that substantially limits or limited one or more major life activities,

or because Plaintiff has a physical or mental impairment that substantially limits or limited one or more major life activities.

23. Plaintiff avers after June 22, 2018, she could with, or without, reasonable accommodations, perform the essential functions of the position in which he was employed by Defendant.

24. Subsequent to June 22, 2018, Defendant has refused to provide reasonable accommodations for Plaintiff to perform her position to which she was qualified to perform.

25. Plaintiff avers that Defendant's refusal to provide reasonable accommodations after June 22, 2018, was and is unlawful and in violation of the Americans with Disabilities Act of 1990.

**COUNT TWO**  
**FAILURE TO ACCOMMODATE CLAIM**

26. Plaintiff hereby incorporates by reference the allegations contained in paragraphs as if set forth herein.

27. Plaintiff has a disability.

28. Plaintiff was a qualified individual as that term is defined under the ADA.

29. Defendant knew of Plaintiff's disability.

30. Plaintiff requested an accommodation.

31. A reasonable accommodation existed that would have allowed Plaintiff to perform the essential functions of the job.

32. Defendant failed to provide reasonable accommodations.

**REMEDIES AND DAMAGES REQUESTED**

Wherefore, Plaintiff prays that this Court will grant her relief as follows:

(A) Grant Plaintiff a declaratory judgment that the employment practices complained of herein violate the rights of Plaintiff as secured by the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991.

(B) Grant Plaintiff a permanent injunction enjoining Defendant, its agents, successors, employees, attorneys, and those acting in concert with the Defendant and at the Defendant's request, from continuing to violate the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991.

(C) Enter an order requiring Defendant to reinstate Plaintiff to employment with Defendant or front pay in lieu thereof.

(D) Grant Plaintiff an award of back pay and fringe benefits (plus interest) and compensatory damages.

(E) Plaintiff prays for such other relief and benefits as the cause of justice may require, including, but not limited to, an award of costs, attorney's fees and expenses.

Respectfully submitted,



Ashley R. Rhea  
Bar Number: asb-8736-H810  
Attorney for Plaintiff

**OF COUNSEL:**  
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**DEFENDANT'S ADDRESS:**

The Children's Place Retail Stores, Inc.  
Corporation Service Company, Inc.  
641 South Lawrence Street  
Montgomery, AL 36104